

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Michel H. Malek  
Title: SPINE STABILIZATION SYSTEMS  
Appl. No.: 10/722,119  
Filing Date: 11/25/2003  
Examiner: David C. Comstock  
Art Unit: 3733  
Confirmation Number: 4839  
Number:

**EXAMINER INTERVIEW SUMMARY**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is a summary of the brief interview with Examiner Comstock on July 29, 2008. Examiner Comstock and Applicant's representative, Jeffrey R. Lomprey, engaged in a brief after-final interview so that Examiner Comstock could explain the basis for the rejection in the Final Office Action of April 2, 2008, and in the Advisory Action of June 26, 2008. Applicant's representative asserted that the Examiner had not shown all the features of the claims, in particular, at least the feature that the system required a stabilization element and a disc prosthesis or a disc nucleus replacement to be adapted to be disposed between adjacent vertebrae in the spine.

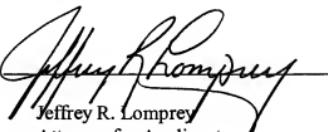
The Examiner stated that it was his position that the deformable member 7A of Alby (U.S. 6,241,730) could act as a disc replacement, external to the spinal column. No agreement was reached.

Applicant does not believe that any fees are due with this communication, however the Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

By



Jeffrey R. Lomprey  
Attorney for Applicant  
Registration No. 55,401

Date August 15, 2008

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